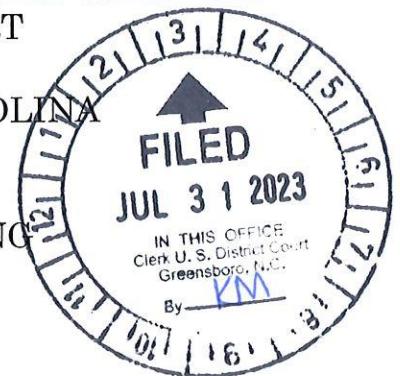


SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA : SUPERSEDING
: :
v. : 1:23CR236-1
: :
ERNEZ TOMAZ AUSTIN, also known :
as "Nez Sheisty" and "Oda Nez" :



The Grand Jury charges:

COUNT ONE

On or about February 17, 2023, in the County of Scotland, in the Middle District of North Carolina, ERNEZ TOMAZ AUSTIN, also known as "Nez Sheisty" and "Oda Nez," by threat of force, intentionally intimidated and interfered with, and attempted to intimidate and interfere with, the employees and patients of the Planned Parenthood Chapel Hill Health Clinic ("PPCHHC"), a facility located in the Middle District of North Carolina, that provides reproductive health services, because the PPCHHC is and has been providing reproductive health services, and in order to intimidate the employees and patients of the PPCHHC from providing and obtaining reproductive health services; all in violation of Title 18, United States Code, Section 248(a)(1).

COUNT TWO

On or about February 17, 2023, in the County of Scotland, in the Middle District of North Carolina, ERNEZ TOMAZ AUSTIN, also known as “Nez Sheisty” and “Oda Nez,” did knowingly and willfully transmit in interstate and foreign commerce a communication, a telephone call, which contained threats to injure the person of another; all in violation of Title 18, United States Code, Section 875(c).

COUNT THREE

On or about February 22, 2023, in the County of Scotland, in the Middle District of North Carolina, ERNEZ TOMAZ AUSTIN, also known as “Nez Sheisty” and “Oda Nez,” by threat of force, intentionally intimidated and interfered with, and attempted to intimidate and interfere with, the employees and patients of the Planned Parenthood Chapel Hill Health Clinic (“PPCHHC”), a facility located in the Middle District of North Carolina, that provides reproductive health services, because the PPCHHC is and has been providing reproductive health services, and in order to intimidate the employees and patients of the PPCHHC from providing and obtaining reproductive health services; all in violation of Title 18, United States Code, Section 248(a)(1).

COUNT FOUR

On or about February 22, 2023, in the County of Scotland, in the Middle District of North Carolina, ERNEZ TOMAZ AUSTIN, also known as "Nez Sheisty" and "Oda Nez," did knowingly and willfully transmit in interstate and foreign commerce a communication, a telephone call, which contained threats to injure the person of another; all in violation of Title 18, United States Code, Section 875(c).

COUNT FIVE

On or about April 19, 2023, in the County of Scotland, in the Middle District of North Carolina, ERNEZ TOMAZ AUSTIN, also known as "Nez Sheisty" and "Oda Nez," knowingly did possess in and affecting commerce a firearm, that is, an American Tactical .300 blackout pistol, having been convicted of a crime punishable by imprisonment for a term exceeding one year, and with knowledge of that conviction; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

FORFEITURE ALLEGATION

1. The allegations contained in this Superseding Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense alleged in Count Five of this Superseding Indictment, the defendant, ERNEZ TOMAZ AUSTIN, also known as "Nez Sheisty" and "Oda Nez," shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), all right, title and interest in and to any firearm or ammunition involved in or used in the commission of the offense.

3. The property subject to forfeiture pursuant to paragraph 2 above may include, but shall not be limited to, the following:

- a. American Tactical, model OMNI Hybrid, .300 Blackout pistol, Serial Number NS303549.

All in accordance with Title 18, United States Code, Section 924(d), Rule 32.2, Federal Rules of Criminal Procedure, and Title 28, United States Code, Section 2461(c).

DATED: July 31, 2023

SANDRA J. HAIRSTON
United States Attorney


BY: JOANNA G. MCFADDEN
Assistant United States Attorney

A TRUE BILL:



FOREPERSON